

Attorney Dkt. No. 51275/149

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

VIA FACSIMILE to 571-273-0541 (LIE Francine
Mercer)

In re: application of:
Theoharis C. Theoharides
Filing date: 03/20/2004
Serial No.: 10/811,828

Group Art Unit: 1655
Examiner: Patricia Leith

Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004
For: Composition For Protection Against Superficial Vasodilator Flush Syndrome

Response to Notice of Non-Compliant Amendment and Notice of Fee
Deficiency

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450
Mail Stop: LIE

Sir:

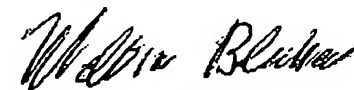
This is in response to the captioned two Notices, dated 05/26/2006.

As to the notice of fee deficiency, the undersigned attorney encloses an
authorization to pay the required Extension of Time fee of \$60.00.

As to the notice of non-compliant amendment, the LIE asserts that the
drawings are not properly labeled. The LIE is respectfully informed that the
application has no drawings. What the LIE is seeing is reference material used in
traversing the restriction requirement.

Also in response to the notice of non-compliant amendment, applicant
submits on a separate page a listing of the status of all pending claims.

Respectfully submitted,



Dr. Melvin Blecher

07/26/2006 FMERCER. 00000001 10811828

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60.00 OP

07/25/2006

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Claim Status

40. (Original) A composition for protecting a subject from the inflammatory disease superficial vasodilator flush syndrome, said composition comprising a non-bovine heavily sulfated proteoglycan, olive kernel extract, a flavonoid compound, bitter willow bark extract, and, optionally, cyproheptadine or azatadine.

41. (Original) The composition of claim 40, wherein said proteoglycan is sulfated chondroitin sulfate.

42. (Original) The composition of claim 40, wherein said flavonoid compound is quercetin, myricetin or genistein.

43. (Original) The composition according to claim 1, wherein said inflammatory disease is superficial vasodilation flush syndrome, said composition comprising 50 mg non-bovine chondroitin sulfate; olive kernel extract, 150-600 mg; 150-350 mg quercetin, 5% by weight bitter willow bark extract, and, optionally, 4 mg cyproheptadine or azatadine, administered daily.

44. (Original) A method of protecting against superficial vasodilator flush syndrome, comprising the oral administration of the composition of claim 40 or claim 43.

45. (Original) The composition of claim 1, wherein said syndrome is selected from the group consisting of carcinoid-induced flush, niacin-induced flush, mesenteric fraction syndrome-induced flush, and serotonin syndrome-induced flush.

Payment of one-month extension of time fee to respond to Notice of Non-Compliant Amendemnt and Notice of Fee deficiency dated 06/26/2006.

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TELEPHONE AND RETURN THE ORIGINAL COPY TO THE SENDER.**

TO: Ms. Francine Mercer, LIE OF: USPTO

FAX NUMBER: 571-273-0541

FROM: Dr. Melvin Blecher

DATE/TIME: 07/25/2006

OUR REF.51275/149

NO. OF PAGES (INCLUDING COVER): 6

CLIENT REF.:

**RE: Responses to Notices of Non-Compliant Amendment and Fee Deficiency dated
6/26/2006; Credit Card payment authorization.**

MESSAGE